

**LONDON BOROUGHS OF BRENT AND HARROW**  
**TRADING STANDARDS ADVISORY BOARD 19<sup>th</sup> NOVEMBER 2003**  
**REPORT NO 5/03 OF THE DIRECTOR OF TRADING STANDARDS**

**FOR INFORMATION**

**HALF YEARLY REPORT: SIX MONTHLY REPORT ON THE OPERATION OF  
THE SERVICE APRIL 2003 - SEPTEMBER 2003**

**1.0 SUMMARY**

1.1 This report updates Members on the operation of the Service over the first six months of the current financial year

**2.0 RECOMMENDATIONS**

2.1 That Members consider the content of the report and comment as appropriate.

**3.0 FINANCIAL CONSIDERATIONS**

3.1 There are no financial implications contained within this report.

**4.0 STAFFING IMPLICATIONS**

4.1 The current staffing situation is contained within this report.

**5.0 DETAIL**

**5.1 Overall Performance**

5.1.1 The first six months has been very busy and productive for the Service. Nearly all of our targets have been met and we have achieved re-accreditation for ISO 9000:2001; ISO 14001 and our UKAS laboratory. We have upgraded our Community Legal Service Quality Mark to "General Help with Casework" level and developed our work on the Consumer Support Network.

5.1.2 In order to inform the public and to raise awareness of the Service, we have issued 33 statements to the press involving local and national media interest. Officers have conducted 11 talks to local organisations ranging from schools and colleges to specific target groups.

5.1.3 Performance against our targets can be seen in the graphs together with details of the prosecutions and Formal Cautions which are attached as appendices to this report.

More prosecutions have been completed in the first 6 months than the previous two years and our reputation amongst our Trading Standards peers remains high. We do, however, need to target new areas of statutory duty as they are placed upon us and the availability of age restricted items, particularly those which contribute to anti social behaviour is a cause for concern. This is a large and expanding area of work for which the Service needs extra resources to deal with the problems that arise. Recent media attention has brought to the forefront the results of young people having access to knives, fireworks, solvents etc.

During the first half of 2003/2004 the Service agreed and delivered the following work :-

CONSORTIUM 2003/4

	Planned	½ year est.	Actual
Requests for action (criminal)	2050	1025	1034
Requests for action (civil)	700	350	81
Requests for action (non criminal)	3650	1825	1767
Trader Enquiries (including HA work)	260	130	11
SNORS Investigations	12	6	9
Announced Comprehensive Primary High Risk Insp.	1403	702	424
Announced Comprehensive Primary Medium Risk Insp	1381	691	693
Announced Comprehensive Primary Low Risk Insp	850	425	583
Announced Secondary High Risk Inspections	400	200	38
Announced Secondary Medium Risk Inspections	322	161	52
Other Inspection/Test Purchase Visits	1106	553	472
Home Authority Referrals	448	224	224
Average Quantity Visits	50	25	16
Reports of Infringement	125	63	64
Prosecutions completed	73	37	32
Formal Cautions	16	8	8
Letters of Warning	30	15	23
Projects completed	13	7	0
Verification Visits	65	33	31
Mobile Display Unit Visits	26	13	16
Electric Blanket Safety Work	3	2	3
Child Car Seat Safety Work	2	1	2
Talks to external Bodies/Organisations	36	18	11

## 5.2 Staffing

At the beginning of the year, the Service had a complement of 34.6 staff, and for a short period of time we were fortunate in having one Trading Standards Officer in each borough. However, during the summer both officer's resigned, one to move to the Milton Keynes area and the second for promotion with another London Authority. A recruitment advertisement failed to result in any appointment and this merely reinforced the difficulties of recruiting qualified Trading Standards Officers. Following a Brent Corporate initiative a market supplement of 10% was added to the basic salary and the post readvertised. As a direct result of this increase we anticipate a newly qualified Trading Standards Officer commencing in December. The Service Development Officer has remained on maternity leave during this period.

## **BRENT TEAM**

5.3.1 The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

	Planned	½ year est.	Actual
Requests for action (criminal)	1200	600	546
Requests for action (civil) (Brent)	400	200	36
Requests for action (Non Criminal)	1800	900	1011
Trader Enquiries (including HA work)	136	68	207
SNORS Investigations	4	2	2
Announced Comprehensive Primary High Risk Insp.	702	351	104
Announced Comprehensive Primary Medium Risk Insp	868	434	342
Announced Comprehensive Primary Low Risk Insp	450	225	490
Announced Secondary High Risk Inspections	200	100	12
Announced Secondary Medium Risk Inspections	200	100	10
Other Inspection/Test Purchase Visits	500	250	208
Home Authority Referrals	248	124	191
Average Quantity Visits	30	15	1
Reports of Infringement	65	33	32
Prosecutions completed	38	19	14
Formal Cautions	8	4	4
Letter of Warning	15	8	16
Projects completed	6	3	0
Verification Visits	40	20	8
Mobile Display Unit Visits	13	7	15
Electric Blanket Safety Work	1	1	1
Child Car Seat Safety Work	1	1	1
Talks to external Bodies/Organisations	6	3	9

## 5.3.2 Metrology and Safety Section

The Metrology and Safety section is mainly concerned with the enforcement of legislation relating to the safety of consumer products, the pricing of goods and services, weights and measures and hallmarking.

This six months period has been a turbulent one largely due to staff changes within the team. At the start of April a trainee Trading Standards Officer joined the team replacing a newly qualified officer who moved to the Metrology and Safety team in Harrow. The end of May saw the departure of a Senior Trading Standards Officer from the team who had relocated outside of London. Furthermore, a Senior Enforcement Officer who had specialised in safety was moved to the Fair Trading team for strategic reasons, thereby deleting his post within the section.

Following on from previous years there has been a concerted effort to continue with inspections of trade premises and to improve further the information held on the database of trade premises. This has been achieved by a programme of targeted inspections, and during the first half of this year the Metrology and Safety team have conducted 341 visits to a variety of premises from market stalls to supermarkets. This year it was agreed that the team would aim to carry out visits to all petrol stations in the Brent area as records indicated that some of these premises had not been visited regularly. Given the shortage of qualified officers such routine work has been difficult to administer. At the beginning of the year there were 40 such premises in Brent and to date 18 have been visited in order to check for compliance with the Weights and Measures Act.

On the whole, traders have been pleased to see officers and inspection summary forms are left with the traders to ensure that findings are communicated effectively. Constructive business advice is also facilitated by the officers leaving their contact details so that traders know exactly where to obtain further advice and assistance should they require it. As well as conducting a high level of inspections, the team has also dealt with 220 requests for action from both consumers and traders.

From a Safety point of view the team has remained vigilant and has carried out work to protect the public from dangerous products. The team has undertaken project-based work with Trading Standards colleagues around north-west London. One such project involved the undercover hiring of electrical tools from tool hire shops. The tools were then tested by an electrical engineer for safety. Of the tools sent for testing, two were found to contravene legislative requirements. The two items were hired from the same premises and are currently the subject of a detailed, investigation likely to result in formal action being taken.

As part of a joint project between the Brent and Harrow Metrology and Safety Teams, sunglasses being sold by retailers were scrutinised for safety to see whether or not they provided adequate protection from the sun's UV rays. This exercise involved the test purchasing of sunglasses by officers of both teams, which were then screen tested in the Service's in-house laboratory. All the results suggested good news for the consumers in Brent in general. It was noted that 2 of the 17 sunglasses purchased in Brent failed the relevant tests. These 2 sunglasses are now the subject of an investigation into tracing the supply chain of these glasses for possible formal action.

This year the team has completed a project on the safety of the fitting of child car seats. Last year's event was saw a poor turnout of Brent residents at the Asda Site in Wembley, compared with a similar event in Harrow. In an effort to ensure a greater attendance this year, a thorough review by members of the team was conducted. A great deal of effort was put into publicising the event, and making it highly accessible to Brent residents by the choice of venue. The event took place at Ikea Brent Park during the school summer holidays. Again the project was a joint exercise with the Harrow team and involved partnership working with Ikea and Waitrose in South Harrow, together with a safety expert from Kwik Fit, based in Kingsbury. The event proved to be very successful with a much greater

attendance rate than last year. Of the 24 vehicles with 33 child seats tested in Brent, 22 were fitted correctly, leaving 11 that were incorrectly fitted. The event, therefore, proved to be a worthwhile exercise in terms of educating parents and guardians as to the safe fitting of child car seats.

The beginning of the financial year saw a major safety alert with a particular toy that was being sold throughout the country, namely elastic Yo Yo balls. The toy was a very fast selling item and had been the subject of a ban in France following an incident of strangulation. Despite a reluctance from the Department of Trade & Industry to issue prohibition notices on the supply of the toys, officers in the team were amongst the first in the country to tackle the problem at a local level. A considerable amount of time and effort went into seizing these Yo Yo balls from Brent retailers and wholesalers. A number of suspension notices were also issued by the officers where the goods were too numerous to seize. A sample of the Yo Yos were sent off for independent testing and test reports on these items suggested a high risk of strangulation due to the predicted use of the toys by children. Currently officers in the team have spent a great deal of time in obtaining statements from retailers and wholesalers whilst tracing the supply chain of the toys for possible formal action. The DTI did issue a prohibition notice on the supply of these toys, but only after this Service alerted them as to the scale of the problem.

Previous years have shown that there is a problem amongst Brent retailers in compliance with legislation concerning the sale of age-restricted goods. In a continued effort to combat this, officers in the team have kept up with test purchases of age-restricted goods using children to conduct the test purchases.

The Service has a new statutory duty to enforce underage sales of alcohol. A pilot exercise showed alarming levels of illegal sales being made to the children that we involve and if we are to combat this problem and reduce sales, extra resources will be required as a matter of urgency. There have also been attempts made to purchase cigarettes, a knife, fireworks and butane. These attempts have resulted in 1 sale of fireworks and 1 of butane. All the sales that have been made are now the subject of formal investigations, which are highly likely to result in formal action being taken against the retailers.

The team has also been involved with the education of members of the public and other groups in relation to consumer related matters. In June two officers from the team were amongst those who took part in Brent's Respect Festival which took place at Roundwood Park. This involved the use of the Service's mobile display unit in order to promote the work of the Service. Also, in June 2003, an officer from the team attended a meeting of 'Brent Tenant's Group' in order to give a presentation on the work of the Service. The talk was tailored to meet the needs of the group and concentrated on issues that could affect tenants and landlords. Furthermore in July 2003 another officer gave a talk to Brent's Private Housing Information Unit in order to provide them with the necessary information and advise on relevant Trading Standards matters. All of these educational activities were well attended and well received.

A case that involved the use of the internet concerned the advertised price of a DVD on the internet site of an established national newsagents. They had shown the price to be £9.99 yet charged the consumer £12.99. Despite their complaint to the trader's head office and to the Trading Standards Service, the price, when the website was checked a few days later, had not been changed. An officer from the Service then made a test purchase and was overcharged. The case was eventually brought to trial and the Company were able to convince the Court that they had taken all reasonable precautions and exercised all due diligence to avoid committing the offence and found not guilty. Given that the trader had declined to be interviewed about the offence this was not a particularly surprising outcome, but they had earlier pleaded guilty to an offence under the Business Names Act because they failed to indicate the proper name and address of the company on their business documentation. They were fined £250 and ordered to pay £350 costs.

A local second hand shop sold an electric lamp to an undercover officer from the team and when tested for safety it failed on a number of key points. The trader was eventually convicted and fined £250 and ordered to pay £350 costs.

A local wholesaler of electrical items pleaded guilty to selling a number items that had the continental style 2 pin mains plug fitted to the appliance. They admitted that they should not have been sold and could not offer a proper explanation to the officer carrying out routine inspections in a shop in Harlesden. A fine of £1000 was imposed and costs of £934 was ordered.

The 6 months period has also seen a number of infringement reports being submitted by members of the team detailing criminal offences, to be dealt with by way of formal action. These include two reports for the supply of unsafe second hand gas cookers, 1 report for the supply of an unsafe refrigerator, 4 reports for the supply of short weight sweets, 1 report for the supply of an unsafe Halloween mask, 1 report for the supply of unsafe cloths pegs, 3 reports for the sale of fireworks to children, and 1 report for the sale of alcohol to a minor.

### Fair Trading Section

This team consists of a Principal Enforcement Officer and four Enforcement Officers primarily concentrating on 'fair trading' related matters. The unit has to investigate claims varying from property misdescriptions, consumer credit advice, traders falsely claiming to belong to trade associations, the supply of videos without the correct classifications and cars sold with a false reading on the mileometer. They also have to investigate complaints about traders supplying tobacco and videos to children who have not yet reached the correct age.

The team continues to prevent the sale and supply of unclassified video recordings and estimates that by the end of the financial year will seize in excess of 20000 items that contravene the Video Recordings Act 1984. Wembley Market and Ealing Road continue to be source of the majority of

these items and officers continue their enforcement activities in these areas. The problem with the Market is that it is only held on a Sunday and unfortunately we have to restrict our attendance to a number of days which the overtime budget will fund. We know that the problems with counterfeit goods and unclassified videos remain when we do not attend and there is evidence that if the market is not policed on a regular basis then some traders treat it as an open invitation to sell illegal goods. We have been able to review the effectiveness of our attendance and consider alternative means of dealing with the problems associated with the market.

The team has been responsible for a number of successful prosecutions and some of those are detailed below. One local trader whose business involves operating an auction moved premises and failed to ensure that the new premises were properly registered with the Trading Standards Service under the Greater London Council (General Powers) Act 1984. The business also sold in the course of the auction two electrical appliances which, when subjected to independent testing, were found to be electrically unsafe. A fine of £750 was imposed and costs of £885 ordered to be paid.

An electrical company had pleaded not guilty last year to misusing the logo of the National Inspection Council for Electrical Installation Contracting. The case was heard this year at Harrow Crown Court as they were using the logo on their completion certificates indicating that they had tested the system to the present day requirements. The installation had taken place at a property owned by a local Housing Association and the inconsistency was spotted by an eagle eyed employee there who reported the matter to us. The firm pleaded guilty at Crown Court and was fined £5000 and ordered to pay £2301 costs.

A particularly novel case was one that involved a trader based in North Yorkshire who had created a directory of businesses available on the internet. They had contacted a local business and after what was probably a 'hard sell' sales pitch, then followed this up with a series of invoices and demands for payment. Our consumer was adamant that they had not ordered any goods or services and complained to the Service. A very detailed investigation took place involving allegations of contravening the Unsolicited Goods & Services Act and the Administration of Justice Act and was due to be the subject of a lengthy trial at the Magistrates Court. We were fortunate in becoming aware of a similar investigation that our colleagues in Hampshire had undertaken and they were content to allow us to use their evidence in our case. Despite a defence objection to this course of action, we were able to rely on their evidence and shortly after this the Company changed their plea to guilty. They were fined £4500 and ordered to pay £4708 in costs.

An estate agent from Kilburn pleaded guilty for an offence under the Property Misdescriptions Act for claiming that a ground floor flat had sole use of the rear garden. Only when the consumer had incurred legal fees and expenses did she realise that this was not the case but her demands for compensation came to nothing when she approached the trader. Following her complaint to the Trading Standards Service, legal proceedings were instituted and a fine of £1000 imposed, together with costs of £527 and an order to pay

compensation to the aggrieved consumer of £1150. The consumer was absolutely delighted with the result.

This year the team have assisted other enforcement agencies in a number of operations in the Kilburn High Road area in an effort to deal with the proliferation of street traders. Both Camden and Brent Trading Standards were involved together with the Police, officers from Immigration and The Benefits Agency also attended. We have been asked to co-ordinate further operations later this year as the initial exercises were considered to be very successful. This was an excellent example of the partnership working that often goes unnoticed.

### **5.3 HARROW TEAM**

5.3.1 The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

#### **HARROW TEAM**

	Planned	½ year est.	Actual
Requests for action (criminal)	850	425	516
Requests for action (civil) (Harrow)	300	150	45
Requests for action (Non Criminal)	1500	750	1188
Trader Enquiries (including HA work)	124	62	168
SNORS Investigations	8	4	7
Announced Comprehensive Primary High Risk Insp.	701	351	207
Announced Comprehensive Primary Medium Risk Insp	513	257	329
Announced Comprehensive Primary Low Risk Insp	400	200	247
Announced Secondary High Risk Inspections	200	100	5
Announced Secondary Medium Risk Inspections	122	61	3
Other Inspection/Test Purchase Visits	606	303	191
Home Authority Referrals	200	100	76
Average Quantity Visits	20	10	5
Reports of Infringement	60	30	25
Prosecutions completed	35	18	22
Formal Cautions	8	4	4
Letter of Warning	15	8	7
Projects completed	7	4	0
Verification Visits	25	13	8
Mobile Display Unit Visits	13	7	15
Electric Blanket Safety Work	2	1	2
Child Car Seat Safety Work	1	1	1
Talks to external Bodies/Organisations	6	3	5

This Team consists of eleven members of staff who are directly responsible for all the Trading Standards enforcement functions within the London Borough of Harrow. During the first half of this year, a Trading Standards Officer post became vacant and the Service has been unsuccessful in



finding a replacement despite the fact that the vacancy was advertised on two separate occasions. Despite this, there remains a high level of motivation and commitment amongst the Harrow Team members, with the result that once again the overall targets have been exceeded. The staff continue to produce innovative work by highlighting breaches of consumer protection legislation through investigations and projects, whilst maintaining a very high level of inspections of trade premises, thus, ensuring that we remain one of the best performing Authorities in London.

During the course of the first six months, the Team has investigated 516 criminal complaints compared to 468 over the same period last year. Over the last few years there has been a decrease in the number of complaints dealt with by this Team, mainly due to the fact that the Development and Support Team are now responsible for complaints that can be dealt with basic advice, whether civil or criminal, This allows enforcement staff more time to concentrate on criminal allegations under the various consumer protection legislation enforced by the Service.

So far this year 25 reports of infringement have been submitted by Harrow offices and 22 prosecutions have been completed in the courts compared to 30 and 14 respectively for the same corresponding period last year. A further 11 traders have been issued with letters of warnings or formal cautions where legal proceedings was not considered to be appropriate.

The Team has conducted 987 inspections during the first six months compared to 1088 during the same period last year. Out of the total inspections so far this year, over 54% were of premises that are considered to be either high or medium risk. This not only means that that we comply with our obligations under the 'Enforcement Concordat', but also ensures that traders receive all the advice and assistance they need to help them carry on their business in accordance with the relevant legislation. The inspection process ensures that if any problems are discovered during the visit, then they can be resolved immediately without any serious consumer detriment, thereby avoiding the need for further enforcement action.

### Metrology/Safety Section

Primarily the Team is responsible along with the Brent Metrology Team for responding to requests from traders to test and verify as correct any metrology equipment, which is being used for trade. This could be carried out under UK or EU legislation and is an important source of income for the Service. The Service holds Notified Body Status, which enables our officers to carry out such work outside the consortium area under EU legislation.

Unfortunately, the team has not been fully staffed with there being a vacancy for a Trading Standards Officer throughout this period, and until July, a vacancy for a Technical Assistant. However, the remaining team members have managed to pull together in order to provide a customer focused service.

In terms of enforcement work during this period, there has been a regular supply of consumer complaints and trader enquiries that have been

investigated and responded to, together with pro-active visits to traders across the Borough. Some of this pro-active work has resulted in warnings being issued to traders, whilst in other cases legal proceedings have been instituted against the offenders. Some interesting cases that have been concluded during this period are as follows.

This Service has received numerous complaints from consumers regarding the trading activities of private clamping companies in Harrow. In many circumstances we are unable to assist consumers where there has been no breach of any criminal legislation enforced by the Service. However, in one case a vehicle clamping company was fined £750 and ordered to pay £250 in prosecution costs for making misleading price indications to consumers. The Court heard that the company had been charging consumers a surcharge when a payment by credit card was made without disclosing the extra charge in advance. The Court also heard that this matter arose following a complaint from a local member of the public, whose car had been clamped whilst it was parked at Palmerston Road, Wealdstone. The owner of the vehicle was asked to pay £85 to have his car released and a further £4.50 if payment was to be made by credit card. However, the wheel clamps were not released, as the owner of the vehicle could not make the payment due to the fact that he had insufficient cash and did not have any other means of paying. The Court was told that when the owner returned about 90 minutes later, after having collected his credit cards from home, he was told that his vehicle had been towed away and that he would now have to pay £279.50 to have it released. The outraged member of the public had no choice but to pay this amount even though the payment was £24.50 more than the price shown on a sign at the car park.

The team is also responsible for the area of under age sales concerning, knives, butane, alcohol (off sales only) and fireworks. During this period traders have been visited using children to attempt to purchase these age restricted products.

A trader in central Harrow was fined £1000 and ordered to pay £250 in prosecution costs for selling a knife to a thirteen-year-old child. An off licence in Pinner was fined £500 and ordered to pay prosecution costs of £700 for selling alcohol to the same child. In another case, a trader in Rayners Lane was fined £400 and ordered to pay prosecution costs of £475 for selling a canister of cigarette lighter refill (butane) to another thirteen year old child. This is an important area of work for the Service and many hours are spent advising traders of their responsibilities not to sell to under age children. However, it is sad to see that this advice is sometimes ignored.

The team also carries out project work during the year and in the summer one such project was completed on the safety of sunglasses. Approximately seventy pairs were bought from traders in Brent and Harrow and it was discovered after testing that three were unsafe. A warning was issued to the importer in Westminster and further work will be carried out on sunglasses next year.

### Fair Trading Section

Harrow's Fair Trading Team consists of one Principal Enforcement Officer, three Enforcement Officers and one Technical Assistant. The team is

responsible for enforcing an extremely diverse range of legislation and deals with the majority of the criminal complaints made by Harrow residents.

Under the Data Protection Act, businesses which hold personal data on individual consumers must register with a Government Agency known as the Information Commissioner. The fee for this registration is £35. During the last twelve months a number of unscrupulous traders have operated a lucrative nationwide scam by targeting businesses with demands for payment for registration under the Act. These demands have been constructed to look official and many businesses have genuinely believed they are from a Government Department/Agency. Unsuspecting businesses have been asked for a fee of £95 for registration, which means that the difference between this charge and the official fee of £35 ends up in the pockets of the private operators. Despite the problem reaching epidemic proportions nationally, this Service was the first Trading Standards Authority to take criminal action. One company and a Director were fined a total of £3,500 and ordered to pay costs of £1,000 for offences under the Trade Descriptions Act for misleading local businesses. This case was particularly rewarding as it was the first of its kind and the Service received considerable praise from the Information Commissioner. This problem, however, has not totally dissipated and the team has continued to assist other Trading Standards Services throughout the Country by providing information to assist their enquires.

Another major problem which has emerged in the Harrow area in the last six months is the proliferation of street traders selling counterfeit DVDs'. These traders often have language difficulties with English, which make dealing with them effectively a major problem. So far this year the team have embarked on approximately 20 investigations of incidents relating to the sale of these DVDs'. The problem has been tackled on a multi-agency basis, with the teams limited resources being supplemented by assistance from the Police and the Councils own CCTV operations. Further operations are planned in the build up to Christmas to ensure that the residents of Harrow are not sold inferior products and legitimate businesses disadvantaged.

Counterfeiting is not, however, just confined to street traders. One trader who operated from central Harrow was fined £750 and ordered to pay costs of £500 for stocking a counterfeit Burberry luggage in breach of registered trade marks.

Another trader who stocked counterfeit cigarettes at his off-license was apprehended when a local customer became unhappy with the taste of his chosen brand and decided to complain to Trading Standards. The trader was fined £300 and ordered to pay £500 costs to the Service.

Another case arose when a group of young Harrow residents decided to surprise their friend by buying her a designer hand bag for her 18<sup>th</sup> birthday. The friends clubbed together and paid £80 for a Christian Dior handbag. Unfortunately, the bag turned out to be counterfeit and the consumers complained to Trading Standards. Following a raid by officers from the team, a large quantity of famous branded shoes and handbags were seized from a designer ladies wear shop in the Pinner area. The goods were examined by the brand owners and found to be in breach of Trade Marks held by

companies such as Chanel, Christian Dior and Louis Vuitton. The trader was given a 12 month conditional discharge and ordered to pay costs of £966.

Regular test purchasing using volunteer children to monitor the sale age restricted goods is also carried out by the Fair Trading team. One such case led to fines and costs amounting to £400 for a trader who illegally supplied cigarettes to a thirteen year old boy.

A trader operating from his home address was found guilty following a two week trial for four offences under the Trade Descriptions Act 1968 with respect to the sale of motor cars with false odometer readings. He was also found guilty of a further offence under the Theft Act for obtaining £4500 by deception from the purchaser of one of the “clocked” vehicles. The trader was fined a total of £4,500 by Harrow Crown Court and ordered to pay £12,000 in prosecution costs to the Trading Standards Service. The investigation arose after a routine visit by Trading Standards Officers to the defendants property where they had seen various cars advertised for sale. The officers gave the defendant comprehensive advice about his obligations as a motor trader under the various pieces of trading standards legislation and took mileage details of the three vehicles being offered for sale from his driveway. The Officers then conducted investigations into the mileage histories of the three vehicles by contacting the previous owners, motor traders as well as auctioneers, who had all been involved at some stage in the ownership or supply of the respective motor cars. Witness statements were obtained in order to prove each vehicles complete mileage history since first registration.

The investigation showed that the two BMW motorcars had been purchased by the defendant’s company with higher mileages than those seen by the Officers during their visit. Similarly the third vehicle, a Volvo, had been purchased with a higher mileage in another name, but at the same address as the defendant. Further Information from the Exchange & Mart showed that in the past that the defendant had regularly advertised motor vehicles for sale in their publication in which he had declared that he was a motor trader. However, at the trial he argued that he was not a motor trader and that the vehicles in question had been sold on behalf of a friend who lived in Pakistan. Fortunately, like us, the jury did not believe him and he was duly punished by the judge for these very serious offences.

Misdescribed motor vehicles are a major source of complaints received by the team. Often these investigations are extremely time consuming and at times difficult to prove. It is particularly satisfying, therefore, when a major “car clocker”, such as the one above, is brought to justice.

**5.5 Development and Support Team**

5.5.1 The Service Operational Plan details the work we have programmed for the year. Our performance against that programme is as follows:

	Annual	Actual
	Target	
Requests for action (non criminal)	3650	2263
Mobile Display Unit visits	26	19
Talks to external Bodies/Organisations (general)	24	4
Work Experience students	Max 4 p.a.	3

The Development and Support section (DAS) consists of one Principal Officer, one Service Development Officer, an IT/Laboratory Manager, 3 full-time and 1 part-time Customer Service Officers. In addition, there is now one person in post to provide civil law casework help for Harrow residents.

During this period the section has been operating under strength with the Service Development Officer remaining on maternity leave during this entire period, putting extra pressure on the Principal Service Development Officer to ensure that our accreditations are retained.

The section has overall responsibility for ensuring that the Service continually improves through initiatives such as the Chartermark, Investor in People, EFQM Excellence Model, ISO 9001, ISO14001 and UKAS accreditation. This ensures that the above initiatives are fully integrated for the benefit of the Service as well as for all our customers. Work during this period has particularly focused on the Community Legal Services (CLS) "Quality Mark", the DTI required "Community Support Network" (CSN) status, and the new ISO9001 Quality Management Systems standard. Both the CLS and CSN initiatives are designed to join up ground level advice providers in the community. Through this work we have forged better links with other legal advice providers in the boroughs, but of particular note we are working closer with the Citizens Advice Bureaux than ever before.

Officers in the DAS section are primarily responsible for promoting the Service within the community by conducting talks and exhibitions throughout the consortium area. On a day to day basis the main task of the team is to deal with all requests for action which are of a non-criminal nature by giving 'next step' civil law advice on consumer related matters. This releases field officers within the enforcement teams to investigate matters of a criminal nature that may require formal enforcement action and to engage in a programme of pro-active inspection work.

Staff are also responsible for the maintenance/development of our IT systems as well as maintenance of the Service's laboratories, working standards and administrative support functions. During this period the team has been working towards an upgrade to the main database to allow information to be collated by 'ward' area, and an upgrade to the main server and PC's to a newer version of Windows operating system. The research conducted into handhelds has unfortunately resulted in the conclusion that there is not a viable supplier of equipment that would enhance our work in the field. We have shelved the project until technical advances, cost improvements and proven track record with other Authorities make it viable to have another look.

During the course of this period officers have been extremely busy in dealing with 2263 requests for action from both traders and consumers. This represents 50% of all the complaints received by the Service during this period. The vast majority of these complaints are either civil, or requests for advice from local traders. The section also handles the initial contacts by phone and personal visits from members of the public/traders seeking help and assistance.

The section is continually looking to improve the way in which we provide advice and assistance to all our customers. New procedures have been implemented to ensure consistent quality of service and confidentiality are maintained. This resulted in upgrading our CLS Quality Mark from 'General Help' level to 'General Help with Casework' level. This is to reflect the new service provided to Harrow residents by the Consumer Advice Officer. The civil law casework now undertaken, due to the legal nature of the help, is carefully controlled to ensure that accurate and useful help is provided. This is only made possible through effective supervision, a high level of training and professional specialism are maintained in line with the Legal Services Commission guidelines.

The team has continued to use the £5000 granted from the Department of Trade and Industry to develop a Consumer Support Network across both Brent and Harrow. We have hosted meetings of 'not-for-profit' advice agencies to join up agencies who provide advice on consumer matters within the consortium area. This is with a view to sharing best practice and to ensure effective referrals to the appropriate advice agency who can best deal with a request for help for each individual case. A 'clipboard' survey was conducted to establish the baseline level of consumer confidence in the boroughs. Our findings were that a lot of people are reluctant to complain, and many would not know where to turn for help.

The areas for improvement that were identified in our disability audit are recorded in an action plan. Work on the action plan continues. It started with hearing loop systems installed to improve communication with hearing aid users. Also our computer database has been amended so that we can now record whether a customer has a disability.

During the year, a total of 4 talks were provided to various consumer groups and local schools and colleges. In addition to these talks, a number of exhibitions have been booked for November, December, January and February on the work of the Service. We will have a stand at Willesden Green Library Centre, St George's Shopping Centre and Harrow Civic Centre. Talks have included the University of Westminster Law Faculty (Harrow campus) and Stanmore College. The section also organised and attended 15 exhibitions using our Mobile Display Unit at various locations throughout the consortium area, including the Pinner Fire Station Open Day, the Harrow Show and the hugely successful Brent Respect Festival. This work is essential for raising the public's awareness of the Service so that every member of the local community has equal access to our services. As part of our commitment to develop a partnership approach with local schools and colleges, three students were provided placements for work experience for periods of up to two weeks to give them an insight into the work of the Service.

As part of its responsibility the DAS team conducts regular surveys to assess the satisfaction levels of our customers. Monthly, a sample of premises inspected receive a survey form to report back on how the officer handled the inspection visit to their business.

The Principal Service Development Officer acts as Quality Manager for the Service and, along with the Quality Team, has direct responsibility for reviewing and maintaining our quality system. During this period the Service successfully maintained its ISO 9001 registration following an assessment visit in August. This is felt to be a great achievement because it is now to the tougher ISO9001:2000 management standard, and is underpinned by regular internal audits from our staff. The Service also maintained its UKAS accreditation for its Mass Laboratory following an inspection visit in May.

During this period, the section continued to develop the web-site for the Trading Standards Service, which contains a vast amount of information on consumer law for both the public and businesses. The web-site also contains information about the work of the Service, performance indicators, budgets, press releases, survey results and details of how we can be contacted. Having the website with its wealth of information maintains our Charter Mark by demonstrating our 'openness' with information on how the Service is managed and run.

The section has responsibility for the production of our advisory leaflets in plain English for both consumers and businesses. The Consumer Advice Officer has written advisory leaflets to help explain the Small Claim process in the County Court. Advisory leaflets are been printed in house, at minimum cost, for distribution via customer access points throughout the consortium area as a means of providing information to both business and consumers on their legal obligations/rights. During this period over 2000 leaflets have been provided to local libraries.

## 6.0 **BACKGROUND INFORMATION**

### 6.1 Performance Statistics File

Any person wishing to inspect the above should contact J Taylor, Director of Trading Standards, First Floor, 249 Willesden Lane, NW2 5JH, telephone 020 8937 5500.

J TAYLOR

DIRECTOR OF TRADING STANDARDS

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**TRADE DESCRIPTIONS ACT 1968**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
101/00/H	2	Car Dealer	Applied a false trade description to goods	1	Adj. Sine Die	
113A/01/H	4	Used Car Sales	Applied a false trade description to goods	1	Not Guilty	
113B/01/H	4	Used Car Sales	Applied a false trade description to goods	1	£3000	£12000
28/02/H	6	Internet Provider	Knowingly made a false statement as to the provision of a service	14	Not Guilty	
51/02/H	7	Market trader	Offered to supply goods to which a false trade description was applied	1	Note 1	£2000
71/02/H	5	Retailer	Offered to supply goods to which a false trade description was applied	1	With drawn	See TMA
84A/02/B	2	Electrical Installation	Falsely claimed membership of a trade association	14	£5000	£2301
84B/02/B	2	Director of above	Falsely claimed membership of a trade association	14	With drawn	
88A/02/H	12	Director of below	Made a false statement as to the provision of a facility	14	£2500	£850
88B/02/H	12	Data Protection	Made a false statement as to the provision of a facility	14	£1000	
94/02/H	2	Electrical Importer	Offered to supply goods to which a false trade description was applied	1	£600	£696



**TRADING STANDARDS SERVICE  
PROSECUTION 01/04/03 - 30/09/03**

TRADE DESCRIPTIONS ACT 1968 (cont.)

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
114/02/H	1	Retailer	Offered to supply goods to which a false trade description was applied	1	With drawn	See TMA
27/03/H	5	Retailer	Offered to supply goods to which a false trade description was applied.	1	With drawn	
29/03/B	9	Market trader	Offered to supply goods to which a false trade description was applied	1	£1140	£1301
31/03/H	2	Retailer	Offered to supply goods to which a false trade description was applied	1	With drawn	See TMA

**PRICE INDICATIONS (Method of Payment) REGULATIONS 1991**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
123/01/H	5	Vehicle Clamping	Failed to display a notice indicating that some methods of payment would incur an additional charge.	3	£2000	£1164
129/02/H	2	Vehicle Clamping	Failed to display a notice indicating that some methods of payment would incur an additional charge.	3	£375	See CPA

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**TRADE MARKS ACT 1994**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
51/02/H	7	Market Trader	Had in possession for sale infringing goods	92	With drawn	See TDA
71/02/H	7	Retailer	Had in possession for sale infringing goods	92	£350	£200
112/02/H	8	Market trader	Had in possession for sale infringing goods	92	£400	See VRA
114/02/H	1	Retailer	Had in possession for sale infringing goods	92	£250	£500
27/03/H	7	Retailer	Had in possession for sale infringing goods	92	£1000	£500
28/03/H	10	Clothing Retailer	Had in possession for sale infringing goods	92	Note 2	£966
31/03/H	2	Retailer	Had in possession for sale infringing goods	92	£300	£500

**FAIR TRADING ACT 1973**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
114/02/H	1	Retailer	Displayed a restrictive notice	23	No sep penalty	See TMA

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**PROPERTY MISDESCRIPTIONS ACT 1991**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
3A/03/B	1	Estate Agency	Made a false statement in relation to a property	1	£1000	£527 Note 4
3B/03/B	1	Estate Agent	Made a false statement in relation to a property	1	With drawn	

**UNSOLICITED GOODS & SERVICES ACT 1971**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
49A/02/B	5	Internet Directory	Demanded payment for inclusion in a directory without reasonable cause to believe the entry had been authorised	3	£3000	£4708
49B/02/B	5	Director of above	Demanded payment for inclusion in a directory without reasonable cause to believe the entry had been authorised	3	With drawn	

**GREATER LONDON (General Powers) ACT 1984**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
90A/02/B	2	Auction Company	Sold goods by way of competitive bidding when the premises were not registered.	25	£250	See CPA
90A/02/B	2	Director of above	Sold goods by way of competitive bidding when the premises were not registered.	25	With drawn	

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**LICENSING ACT 1964**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
41A/03/H	1	Off Licence	Supplied intoxicating liquor to person under the age of 18.	169	£100	£250
41B/03/H	1	Off Licence	Supplied intoxicating liquor to person under the age of 18.	169	£200	£250
41C/03/H	1	Off Licence	Supplied intoxicating liquor to person under the age of 18.	169	£200	£250
32A/02/H	1	Super market	Supplied intoxicating liquor to person under the age of 18.	169	Not Guilty	
32B/02/H	1	Super market	Supplied intoxicating liquor to person under the age of 18.	169	With drawn	
105/02/B	1	Super market	Supplied intoxicating liquor to person under the age of 18.	169	With drawn	

**ADMINISTRATION OF JUSTICE ACT 1970**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
49A/02/B	5	Internet Directory	Harassed a consumer for payment which caused her alarm and distress	40	With drawn	See UGSA
49B/02/B	5	Director of above	Harassed a consumer for payment which caused her alarm and distress	40	With drawn	

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**CRIMINAL JUSTICE ACT 1988**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
25/03/H	1	Retailer	Supplied a knife to a person who was under 16 years of age.	141	£1000	
33/02/H	1	Retailer	Supplied a knife to a person who was under 16 years of age.	141	£2000	£1527
38/03/H	1	Retailer	Supplied a knife to a person who was under sixteen years of age.	141	£1000	£503

**VIDEO RECORDINGS ACT 1984**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
101/02/H	10	Video Retailer	Had in possession for supply unclassified videos cassettes	10	£500	£589
112/02/H	9	Market Trader	Had in possession for supply unclassified videos cassettes	10	£350	£200

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**CHILDREN AND YOUNG PERSONS ACT 1933**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
81A/02/B	2	Newsagents	Sold cigarettes to a person under the age of sixteen and failed to display statutory notice	1 4	£100	See BNA
81B/02/B	1	Employee of above	Sold cigarettes to a person under the age of sixteen.	1	With drawn	
93B/02/H	1	Newsagents	Sold cigarettes to a person under the age of sixteen.	7	£150	£250

**THEFT ACT 1968**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
113B/01/H	1	Car Sales	Dishonestly obtained money with the intention of permanently thereof.	15	£1500	See TDA

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**CONSUMER PROTECTION ACT 1987**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
70/02/B	1	Newsagent	Gave a misleading price indication over the internet	20	Not Guilty	
77A/02/H	1	Travel Agent	Gave misleading price indication.	20	Note 2	£500
77B/02/H	1	Director of above	Gave misleading price indication.	20	With drawn	
90A/02/B	2	Auction Company	Supplied unsafe electrical equipment	12	£500	£885
90B/02/B	2	Director of above	Supplied unsafe electrical equipment	12	With drawn	
94/02/H	4	Electrical Importer	Supplied unsafe electrical equipment	12	£1200	See TDA
95/02/H	1	Fireworks Retailer	Sold fireworks to a person under the age of 18.	12	£500	£563
96/02/H	1	Fireworks Retailer	Sold fireworks to a person under the age of 18.	12	£300	£548
109/02H	3	Importer	Supplied unsafe electrical equipment	12	Note 3	
110/02/B	2	2 <sup>nd</sup> hand shop	Supplied unsafe electrical equipment	12	£250	£500
120A/02/B	6	Electrical Goods	Supplied unsafe electrical equipment	12	£1000	£934

**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**CONSUMER PROTECTION ACT 1987 (cont.)**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
120B/02/B	6	Director of above	Supplied unsafe electrical equipment	12	With drawn	
129/02/H	1	Clamping Company	Gave misleading price indication.	20	£375	£200
1A/03/H	3	2 <sup>nd</sup> hand shop	Supplied unsafe electrical equipment	12	Note 2	£200
1A/03/H	3	2 <sup>nd</sup> hand shop	Supplied unsafe electrical equipment	12	With drawn	
36A/03/H	1	Groceries	Supplied butane-filled cigarette lighter refill to person under 18.	12	£400	£475
36B/03/H	1	Groceries	Supplied butane-filled cigarette lighter refill to person under 18.	12	With drawn	

**PLUGS AND SOCKETS (SAFETY) REGULATIONS 1994**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
109/02/H	3	Importer	Sold an electrical appliance which failed to comply with BS 1362	5	Note 3	
94/02/H	4	Importer	Sold an electrical appliance which failed to comply with BS 1362	5	£1200	£696



**TRADING STANDARDS SERVICE**  
**PROSECUTION 01/04/03 - 30/09/03**

**BUSINESS NAMES ACT 1985**

<u>Reference</u>	<u>No of Inform-ations</u>	<u>Trade</u>	<u>Nature of Offence</u>	<u>Section</u>	<u>Penalty</u>	<u>Costs</u>
49A/02/B	5	Internet Directory	Failed to indicate the true name of the Company	4	£1000	See UGSA
49B/02/B	5	Director of above	Failed to indicate the true name of the Company	4	With drawn	
70/02/B	1	Newsagent	Failed to indicate the true name of the Company	4	£250	£350
81A/02/B	1	Newsagent	Failed to display the ownership details of the business	4	£100	£250
101/02/H	1	Video Retailer	Failed to display the ownership details of the business	4	£50	See VRA

- Note 1 ~ 8 month prison sentence suspended for 1 year
- Note 2 ~ Conditional discharge for 12 months
- Note 3 ~ With drawn. Company in liquidation
- Note 4 ~ Compensation of £1150 awarded

6 month period	<b>TOTAL NUMBER OF CASES</b>	<b>TOTAL NUMBER OF INFORMATIONS</b>	<b>TOTAL FINES</b>	<b>TOTAL COSTS</b>
2003/4	<b>72</b>	<b>243</b>	<b>£36390</b>	<b>£38133</b>
2002/3	54	215	£42800	£24359
2001/2	46	206	£37520	£17588

**TRADING STANDARDS SERVICE**  
**FORMAL CAUTIONS 01/04/03 - 30/09/03**

**VIDEO RECORDINGS ACT 1984**

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
72/02/H	Video Retailer	Had in possession for supply unclassified videos cassettes
124/02/H	Video Retailer	Had in possession for supply unclassified videos cassettes
37/03/B	Video Retailer	Had in possession for supply unclassified videos cassettes
51A/03/H	Video Retailer	Had in possession for supply unclassified videos cassettes
51B/03/H	Video Retailer	Had in possession for supply unclassified videos cassettes
37/03/B	Video Retailer	Had in possession for supply unclassified videos cassettes

**CHILDREN AND YOUNG PERSONS (PROTECTION FROM TOBACCO ) ACT 1991**

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
81B/02/H	Newsagent	Sold cigarettes to a person under the age of 16

**TRADE DESCRIPTIONS ACT 1968**

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
99/02/B	Car Audio	Falsely claimed membership of a trade association
117/02/B	Newsagent	Offered to supply goods to which a false trade description was applied

**TRADING STANDARDS SERVICE**  
**FORMAL CAUTIONS 01/04/03 - 30/09/03**

CRIMINAL JUSTICE ACT

<u>Reference</u>	<u>Trade</u>	<u>Nature of Offence</u>
03/02/B	Cash and Carry	Sold a knife to a person under the age of 16

TOTAL	10
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